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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/665,902

09/18/2003

Satoru Hayamizu

009-03-001

7015

35870

7590

05/24/2006

APEX JURIS, PLLC

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EXAMINER

FRISBY, KESHA

ART UNIT

PAPER NUMBER

3715

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/665,902	HAYAMIZU ET AL.	
	Examiner	Art Unit	
	Kesha Frisby	3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/18/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/18/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement filed 9/18/2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the Foreign Documents (JP-2000-288045-A & JP-2002-272795-A2) were not submitted to the office and if the Foreign Documents are submitted without an English translation they still will not be considered by the examiner. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Drawings

3. New corrected drawings are required in this application because Figs. 2 & 4 currently consists of nothing more than boxes and numbers. The applicant is requested to fill in these boxes with the terminology from the Specification that correlates with the numbers currently presented. If someone was to see any one of these figures on the

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cover of a patent without any descriptive terminology then the individual will not be able to determine what the invention may be. Correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-7, 11-13 & 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan et al. (U.S. Patent Number 5,466,213) in view of De Porteous (U.S. Patent Number 5,044,960).** Referring to claim 1, Hogan et al. discloses a motion controller that controls movement of the movable model joint (drive system); a joint condition information memory system for storing information relating to the joint condition of said human joint (diagnosis & the controller 32 can keep a record); and a joint condition display that shows simulated symptoms of said joint condition of the movable model joint while the motion controller controlling said motion controller based on the stored joint condition information (controller 32). *Hogan et al. does not disclose a model human body imitating a human body with one or more movable model joints imitating movement of a real human joint.* However, De Porteous teaches a model human body imitating a human body with one or more movable model joints imitating movement of a real human joint (column 1 lines 14-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a

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model human body, as disclosed in De Porteous, incorporated into Hogan et al., in order to simulate human movements.

Referring to claim 2, Hogan et al., as modified by De Porteous, discloses a rehabilitation technique information system that obtains rehabilitation technique information when rehabilitation is performed by a trainee while said trainee is applying an external repetitive force to the movable model joint with a joint condition (column 3 lines 62-67 of Hogan et al.), said joint condition is displayed thereon by the joint condition displayer (controller 32 of Hogan et al.), said system measures a rate of change of the joint condition based on an angle, a position, and a motion speed of the movable model joint due to said external repetitive force being applied thereon by the trainee (column 5 lines 63-65 & column 6 lines 31-35 of Hogan et al.); and a joint condition improvement controller that is capable of displaying a simulated diagnosis of a rehabilitating symptom regarding said movable model joint (diagnosis & the controller 32 of Hogan et al.) and is capable of controlling the progress of the simulated condition based on the rehabilitation technique information obtained from the trainee as the trainee performs said rehabilitation technique on said movable model joint (column 4 lines 9-11 of Hogan et al.).

Referring to claims 3 & 4, Hogan et al., as modified by De Porteous, discloses said motion controller further comprising: a motion range controller that controls a motion range of the movable model joint (column 5 lines 63-65 & column 6 lines 31-35 of Hogan et al.); and a motion resistance controller that controls a motion resistance where

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said reaction force is equivalent to a reaction force against said external repetitive force on the movable model joint (force sensors of Hogan et al.).

Referring to claims 5-7, Hogan et al., as modified by De Porteous, discloses further comprising: a secondary rehabilitation technique information memory that stores the secondary rehabilitation technique information showing changes in the movable model joint after performing the rehabilitation technique on the human body 9column 4 lines 9-11 of Hogan et al.).

Referring to claims 11-13, Hogan et al., as modified by De Porteous, discloses wherein said rehabilitation technique information includes trainee attribute data (the examiner views this limitation as the exercises performed of Hogan et al.) and training history data for the particular trainee performing the rehabilitation technique (the examiner views this limitations as since the exercises are recorded then the system is capable of knowing which therapist performed the action of Hogan et al.); and said evaluation system has a system to evaluate any improvement in the level of rehabilitation technique regarding said trainee based on training history data (the examiner views this limitation as the patients progress made during each session of Hogan et al.).

Referring to claims 18-21, Hogan et al., as modified by De Porteous, teaches wherein said movable model joint has at least one of an upper extremity section, a lower extremity section, and a digit section (column 2 lines 63-68 of De Porteous).

Referring to claims 22-25, Hogan et al., as modified by De Porteous, wherein the simulated condition of the movable model joint exhibits symptoms of at least one of

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dynamic contracture, static contracture, stiffness, and joint deformation (column 4 lines 4-7: the examiner views that firmness and stiffness can be used interchangeably).

6. **Claims 8-10 & 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan et al./De Porteous and further in view of Ramshaw et al. (U.S. Patent Number 5,791,907).** Referring to claims 8-10, Hogan et al./De Porteous discloses the physical rehabilitation training and Claims 2-4. *Hogan et al./De Porteous does not disclose further comprising: an evaluation criteria information memory system that stores information of evaluation criteria where said trainee is evaluated based on a pre established criteria for medical treatment classified by one or more levels of rehabilitation technique so as to evaluate the trainee based on the level of rehabilitation technique performed; and an evaluation system that evaluates the level of rehabilitation technique performed by the trainee based on the rehabilitation technique information and said evaluation criteria information for medical treatment.* However, Ramshaw et al. teaches further comprising: an evaluation criteria information memory system that stores information of evaluation criteria where said trainee is evaluated based on a pre established criteria for medical treatment classified by one or more levels of rehabilitation technique so as to evaluate the trainee based on the level of rehabilitation technique performed (computer); and an evaluation system that evaluates the level of rehabilitation technique performed by the trainee based on the rehabilitation technique information and said evaluation criteria information for medical treatment (column 13 lines 46-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an evaluation criteria information memory system and an

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evaluation system, as disclosed by Ramshaw et al., incorporated into Hogan et al./De Porteous in order to provide some measure or basis for a user to determine whether further studies and training in a particular area is necessary.

Referring to claims 14 & 15, Hogan et al./De Porteous, as modified by Ramshaw et al, teaches wherein said information of the evaluation criteria for the medical treatment is classified into an amateur level for a beginning trainee, a standard level for a trainee with a predetermined level of skills and experiences, and a professional level for a highly skilled and experienced trainee (column 13 lines 56-62 of Ramshaw et al.).

15. The physical rehabilitation Claim 11, wherein training and education device according to said information of the evaluation criteria for the medical treatment is classified into an amateur level for a beginning trainee, a standard level for a trainee with a predetermined level of skills and experiences, and a professional level for a highly skilled and experienced trainee.

Referring to claims 16 & 17, Hogan et al./De Porteous, as modified by Ramshaw et al., discloses said evaluation system further comprises a voice response system to output an audible signal to report a load being applied on the movable model joint based on the rehabilitation technique information (the examiner views this limitation as since the sound systems 200 are present then these sound systems are capable of performing the above function of Hogan et al.).

Citation of Pertinent Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Hon (U.S. Patent Number 4,360,345) teaches a health education system with the use of a mannequin.

Crandall et al. (U.S. Patent Number 4,922,925) teaches a computer based upper extremity evaluation system.

Logan et al. (U.S. Patent Number 5,313,968) teaches a joint range of motion analyzer using Euler angle.

Vannier et al. (U.S. Patent Number 5,082,001) teaches an enhanced computer based upper extremity evaluation system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kesha Frisby whose telephone number is 571-272-8774. The examiner can normally be reached on Mon. - Wed. 7-3pm, Thu. 6:30-4pm & Fri. 7-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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 5/18/06

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